

July 15, 2022

**Via ECF**

The Honorable Stewart D. Aaron  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re:    *In re ACTOS Antitrust Litig. (1:13-cv-09244-RA-SDA)***

Dear Magistrate Judge Aaron:

We write on behalf of all parties to the above-captioned litigation in accordance with the Court's June 3, 2022 Order directing the parties to file a joint letter regarding the status of discovery, (ECF No. 381).

Since our last status letter, Defendants have continued to make document productions. The parties continue to correspond regarding the sufficiency of Defendants' document productions. On June 10, Defendants served a notice of deposition pursuant to Fed. R. Civ. P 30(b)(6). Plaintiffs have proposed a deposition protocol to streamline depositions and reach agreement on related procedures and logistics.

As reported in our last letter, on May 20, Defendants served their second categorical privilege log. The parties have discussed what Plaintiffs believe to be deficiencies with that log, and on July 12, Defendants produced a "metadata log" for a sub-set of the documents they have withheld as privileged. Discussions are ongoing concerning Defendants' log, including specifically with respect to the logging of scanned paper documents.

Plaintiffs have served additional third-party subpoenas, and the parties continue to pursue third-party discovery pursuant to Federal Rule of Civil Procedure 45.

Unless the Court desires otherwise, the parties propose to submit a further report on the status of discovery by September 2, 2022. We appreciate Your Honor's attention to this matter.

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Sincerely,

/s/ Steve D. Shadowen

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*Counsel for the Proposed End-Payor Class*

/s/ Thomas M. Sobol

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*Counsel for the Proposed Direct Purchaser Class*

/s/ R. Brendan Fee

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*Counsel for Defendants*

cc: Counsel of record (via ECF)